



2014/KER/44

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 1ST DAY OF JANUARY 2014/11TH POUSHA, 1935

Crl.MC.No. 3 of 2014 ()

C.C.NO.2153/2013 OF J.F.C.M-I, HOSDURG.
CRIME NO. 196/2009 OF HOSDURG POLICE STATION , KASARGOD

PETITIONER(S)/6TH ACCUSED:

FASALU RAHMAN@ FASALU, AGED 24 YEARS
S/O.SHAMUSHEEN, R/A.A V HOUSE, MANIKOTH
AJANOR VILLAGE, HOSDURG TALUK, KASARAGOD DIST

BY ADV. SRI.T.MADHU

RESPONDENT/COMPLAINANT:

THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER
HOSDURG POLICE STATION, REP BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
01-01-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



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APPENDIX

PETITIONER(S)' EXHIBITS:

ANNEX A1:-THE TRUE CERTIFIED COPY OF THE FIR IN CRIME NO 196/2009 OF
HOSDURG POLICE STATION

ANNEX A2:-TRUE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO 196/2009
OF HOSDURG POLICE STATION

ANNEX A3:-TRUE COPY CERTIFIED COPY OF THE JUDGMENT DTD 30/7/2013 IN
CC NO 845/2009 ON THE FILE OF TH ELEARNED JFCM COURT I,HOSDURG

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

P.A TO JUDGE.



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HARUN-UL-RASHID, J.

Crl.M.C No.3 Of 2014

Dated this the 1st day of January, 2014.

ORDER

Petitioner is the 6th accused in Crime No.196/2009 of Hosdurg Police Station pending as C.C.No.2153/2013 on the file of the Judicial First Class Magistrate Court-I, Hosdurg. The offences alleged against the petitioner are punishable under Sections 143, 147, 148, 324, 326 r/w Section 149 IPC. Crl.M.C is filed seeking to quash Annexure-A2 final report and all further proceedings pursuant to it in Crime No.196/2009 of Hosdurg Police station.

2. There are altogether seven accused in the crime. Out of the seven accused, accused Nos.1 to 5 and 7 faced trial and they were acquitted vide judgment dated 30.7.2013 in C.C.No.845/2009 on the file of the Judicial First Class Magistrate Court-I, Hosdurg, a copy of which is marked for reference as Annexure-A3. The learned Magistrate after evaluating the evidence held that there is no evidence to connect the accused with the alleged offences. None of the eye witness identified the



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culprits. The accused were found not guilty of the offence charged and they were acquitted under Section 248(1) Cr.P.C. The remaining accused is the petitioner herein. The case against the petitioner was split up and re-numbered as C.C.No.2153/2013.

3. Since the other accused except the petitioner were acquitted, for the very same set of reasons, this Court is of the view that no purpose would be served, even if the petitioner is asked to face the trial which will result in waste of judicial time. This Court is of the view that the petitioner is entitled to be acquitted as in the case of other accused who were tried and acquitted in C.C.No.845/2009.

Accordingly, Crl.M.C is disposed of quashing the Annexure-A2 Final Report in Crime No.196/2009 of Hosdurg Police Station and all proceedings in C.C.No.2153/2013 on the file of the Judicial First Class Magistrate Court-I, Hosdurg.

**HARUN-UL-RASHID,
Judge.**

bkn/-